HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

S.A. No. 112 of 2002

Smt. Alpana Bharti

Vs

Rajeev Chandola

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 30.7.2004.

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 112 of 2002

Smt.Alpana Bharti
W/o Sh. Rajeev Chandola
R/o Mohakampur Bazar
District Dehradun. .....Petitioner

Vs

Rajeev Chandola
S/o Sh. T.D. Chandola
R/o Chandola Niwas,
Saharanpur Road
District Dehradun. .....Respondent

Second Appeal No. 111 of 2002

Smt. Alpana Bharti
W/o Sh. Rajeev Chandola
R/o Mohakampur Bazar
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Vs

Rajeev Chandola
S/o Sh. T.D. Chandola
R/o Chandola Niwas,
Saharanpur Road
District Dehradun. .....Respondent

Counsel for the petitioner Sh. Arvind Vashisth
Counsel for the respondent Sh. P.S.Adhikari

Dated: 30-7-2004

Hon'ble Rajesh Tandon, J.

Heard Sh. Arvind Vashisth learned counsel for the appellant and Sh. P.S. Adhikari learned counsel for the respondent.

Both the parties have filed their separate affidavits stating therein that they are ready to compromise the matter by one time settlement.

The decree for declaring the marriage nullity under section 12 (1) © of the Hindu Marriage Act has been passed by the 1st Appellate Court in both the Appeal No. 252 of 2001 and Appeal No. 251 of 2001.

Sh. Alpana has filed her own affidavit and she is ready to withdraw the appeal, provided a sum of Rs.3 lakh 50 thousands is paid to her in lieu of the decree passed by the A Appellate court.

Similar affidavit has been filed by Sh. Rajeev Chandola stating therein that he is ready to pay a sum of the Rs 3 lakh 50 thousand to the respondent by mutual compromise.

In view of the settlement made by both the parties and the affidavits filed in support of it, both the parties are mutually agreed that a decree of Divorce may be granted under Section 13 B of the Hindu Marriage Act, subject to the payment of Rs. 3 lakh 50 thousands.

In view of the mutual compromise a consent decree under section 13 B of the Hindu Marriage Act is granted.

However, the respondent shall pay a sum of Rs. 3 lakh 50 thousand within a period of 3 month, a sum of Rs. 1 lakh shall be paid by 30th August 2004, similarly a sum of Rs. 1 lakh to be paid by 30th September 2004 and the remaining shall be paid by 30th October 2004.

Parties have further agreed that various proceedings pending in the Criminal Court relating to Civil and Criminal nature shall be treated as withdrawn.

However, no steps will be taken in any of the proceedings in pursuance of the marriage, which has been dissolved by a decree of divorce.

Both the appeals are disposed of in terms of the compromise; marriage is being dissolved by a decree of divorce with effect from the decree passed by mutual concern by both the parties. The affidavits filed by both the parties shall form part of the decree. There will be no order as to costs.

(RAJESH TANDON, J.)

30-7-2004

M.K.